

**REMARKS**

Claims 1-10 are pending in the application. Claim 1 has been amended. Claims 5-10 have been added to more completely claim the invention.

In the Office Action, the Abstract was objected to because it contained legal phraseology. A new Abstract is submitted herewith which is believed to be fully responsive to the Examiner's concerns.

Submitted herewith are proposed drawing corrections to Fig. 4, to conform Fig. 4 to the description at page 7, first paragraph of the application. No new matter has been added.

Claims 1-4 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite because certain terms in independent claim 1 lacked antecedent basis. Claim 1 has been amended to provide proper antecedent basis for all its terms. Applicants believe that this amendment is fully responsive to the Examiner's concerns.

Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,280,396 (Clark). Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Clark in view of U.S. Patent 5,817,031 (Masuo). Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Clark. These rejections are respectfully traversed. Applicants respectfully request reconsideration and allowance of the claims in view of the following arguments.

Regarding the anticipation rejection of independent claim 1 based on Clark, claim 1 has been amended to recite that the plurality of rod-like electrode members each has a length significantly greater than a hand width of a user of the apparatus. This is an important feature of the claimed invention because it enables the apparatus to accurately measure the bioelectrical impedance of users of different heights. For example, referring to Fig. 1 of the application, an

adult can stand on the weighing device 7 while grasping the upper portion of rod-like electrodes 3, 4. On the other hand, a child can stand on weighing device 7 and grasp the lower part of electrodes 3, 4. Using the claimed electrodes, both the adult and the child have the same posture while being measured, although they are of different heights, thereby ensuring accurate measurements.

Clark does not disclose or suggest electrodes of the claimed size. As shown in Figs. 1, 2 and 5 of Clark, the electrodes 24, 26, 50 and 52 are each about the same size as a hand width of the user. Clark does not disclose or even suggest the claimed rod-like electrodes having a length *significantly greater* than a hand width of a user.

Thus, Clark does not anticipate independent claim 1, because it does not disclose each and every element of that claim. In particular, Clark does not disclose the recited rod-like electrodes having a length significantly greater than a hand width of a user. Furthermore, it would not have been obvious to modify Clark to include the claimed electrodes.

Consequently, independent claim 1 is patentable, as are claims 2 and 4, which depend from claim 1.

Regarding the obviousness rejection of claim 3 based on Clark and Masuo, the Masuo reference does not teach or suggest the rod-like electrodes having a length significantly greater than a hand width of a user recited in claim 1, from which claim 3 depends. Like Clark, Masuo teaches short electrodes; i.e., only about as long as the hand width of a user. Therefore, any combination of Clark and Masuo, however made, would still be missing this important claimed feature, and it would not have been obvious to add the claimed long electrodes to any Clark/Masuo combination to yield the invention of claim 3.

Consequently, claim 3 is patentable.

Reconsideration and withdrawal of the rejection of claims under 35 U.S.C. §103(a) are respectfully requested.

Accordingly, it is believed that all pending claims are now in condition for allowance. Applicant therefore respectfully requests an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicant's representative at the telephone number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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